

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:	)	Group Art Unit: 1634
	)	
Linnen <i>et al.</i>	)	Examiner: Lucas, Zachariah
	)	
Serial No.: 10/688,489	)	Confirmation No. 3927
	)	
Filed: October 16, 2003	)	Atty. Docket No.: GP140-04.UT
	)	
For: Compositions and Methods for Detecting West Nile Virus	)	
	)	

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(b) & (c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants bring to the Examiner's attention the references listed on the enclosed form PTO/SB/08 (two copies) for consideration in connection with the examination of the above-identified application. Copies of the cited non-U.S. patent references are enclosed.

This Information Disclosure Statement is being submitted under 37 C.F.R. § 1.97(b) before the mailing date of a first Office action on the merits.

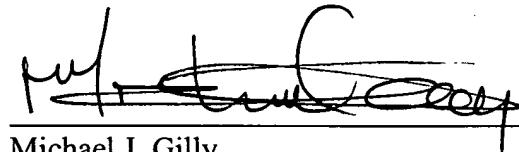
If Applicants are mistaken, and a first Office action on the merits was mailed on or before the certified date of transmission indicated below, then Applicants request that this Information Disclosure Statement be treated as a transmission under 37 C.F.R. 1.97(c) and that the fee due under 37 C.F.R. § 1.17(p) be charged to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

IDS

Serial No. 10/688,489  
Atty. Docket No. GP140-04.UT

Applicants respectfully request that the Examiner indicate consideration of the cited references by returning a copy of the enclosed form PTO/SB/08 with the Examiner's initials or other appropriate marks.

Respectfully Submitted,

  
Michael J. Gilly  
Registration Number 42,579  
Agent for Applicants

Date: January 27, 2005

By:

GEN-PROBE INCORPORATED  
Patent Department  
10210 Genetic Center Drive  
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PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

JFW

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/688,489
Filing Date	October 16, 2003
First Named Inventor	Jeffrey M. Linnen
Art Unit	1634
Examiner Name	Lucas, Zachariah
Attorney Docket Number	GP140-04-UT

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): PTO/SB/08a in duplicate (4 pgs.) Nine foreign patent references Return Receipt Postcard
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD
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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Gen-Probe Incorporated		
Signature			
Printed name	Michael J. Gilly		
Date	January 27, 2005	Reg. No.	42,579

### CERTIFICATE OF TRANSMISSION/MAILING

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Signature			
Typed or printed name	Michael J. Gilly	Date	January 27, 2005

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**Substitute for form 1449/PTC**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

**(Use as many sheets as necessary)**

Sheet 1 of 2

Complete if Known	
Application Number	10/688,489
Filing Date	October 16, 2003
First Named Inventor	Jeffrey M. Linnen
Art Unit	1648
Examiner Name	Lucas, Zachariah
Attorney Docket Number	GP140-04.UT

**U. S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

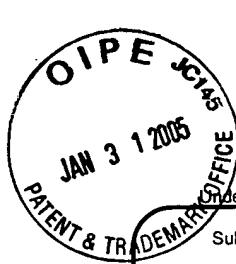
FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)			T <sup>6</sup>
		EP 0 318 216 B2	08-29-2001	Chiron Corp.	
		EP 0 388 232 A1	03-16-1990	Chiron Corp.	
		EP 1 178 116 A1	02-06-2002	Hybrigenics S.A.	
		WO89/04669 A1	06-01-1989	Chiron Corp.	
		WO00/75338 A2	12-14-2000	U.S. Gov't.	
		WO01/21807 A1	03-29-2001	U.S. Gov't.	

Examiner Signature		Date Considered	
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Sheet 2 of 2

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Attorney Docket Number	GP140-04.UT

U. S. PATENT DOCUMENTS

## **FOREIGN PATENT DOCUMENTS**

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Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO01/38360 A2	03-31-2001	Chiron Corp.		
		WO02/12290 A2	02-14-2002	Hybrigenics		
		WO03/048184 A2	06-12-2003	Bavarian Nordic A/S		

<b>Examiner Signature</b>		<b>Date Considered</b>	
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